

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Linda Engelman is an appointed member of the Planning Commission for the City of Vallejo. Pursuant to Government Code section 87203, Ms. Engelman was required to file annual Statements of Economic Interests ("SEIs") disclosing her financial interests. Respondent failed to timely file her 1999 annual SEI, on or before the April 3, 2000, due date.

This case was handled on an expedited basis pursuant to the SEI Expedited Procedures adopted by the Commission in July 1999.

For purposes of this Stipulation, the violation of the Political Reform Act ("Act")<sup>1</sup> is as follows:

**COUNT 1:** Failure to timely file a 1999 annual Statement of Economic Interests as a planning commissioner, in violation of Government Code section 87203.

### **SUMMARY OF THE LAW**

In order to avoid conflicts of interest, section 81002, subdivision (c) provides that the assets and income of public officials, that may be materially affected by their official actions, should be disclosed, and in appropriate circumstances the officials should be disqualified from acting.

In furtherance of this purpose, section 87202 specifies that every person who is elected, appointed, or nominated to an office specified in section 87200 shall, within 30 days after assuming office, file an assuming office SEI disclosing his or her investments, and his or her interests in real property, held on the date of assuming office, and income received during the 12 months before assuming office.

Section 87203 requires every person who holds an office specified in Section 87200 to file an annual SEI at a time specified by Commission Regulations. Respondent, as a planning commissioner, is a person who holds an office specified in section 87200. Pursuant to Regulation section 18723, subdivision (b)(2), planning commissioners must file an annual SEI by April 1st.<sup>2</sup>

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1 The Political Reform Act is contained in Government Code sections 81000 through 91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations section 18000 et seq. All references for regulations are Title 2, Division 6 of the California Code of Regulations unless otherwise indicated.

2 Since April 1, 2000 fell on a Saturday, the deadline for Ms. Engelman's 1999 annual SEI was on Monday, April 3, 2000.

## **SUMMARY OF THE FACTS**

In August of 1999, Ms. Engelman was appointed to the City of Vallejo Planning Commission. As a planning commissioner, Ms. Engelman is required to file an annual SEI. Ms. Engelman failed to file her 1999 annual SEI by the April 3, 2000, due date.

On February 16, 2000, the Vallejo City Clerk sent a letter to Ms. Engelman reminding her that she needed to file her 1999 annual SEI by the April 3, 2000, deadline. On April 13, 2000, the Vallejo City Clerk sent a letter to Ms. Engelman wherein she informed Ms. Engelman that she had not received her SEI, and requested that Ms. Engelman file her SEI immediately. The letter advised Ms. Engelman that she was liable for a late filing penalty of \$10 per day, up to a maximum penalty of \$100.

When Ms. Engelman failed to comply, the Vallejo City Clerk referred the matter of Ms. Engelman's delinquent filing to the Commission. On November 30, 2000, and January 12, 2001, Commission Staff sent a letter to Ms. Engelman requesting that she file her 1999 annual SEI.

On February 7, 2001, Commission Investigator Bonnie Swaim contacted Ms. Engelman regarding Ms. Engelman's failure to file her 1999 annual SEI. Ms. Engelman informed Ms. Swaim that she was still on the City of Vallejo Planning Commission. Ms. Engelman stated that she had not filed her 1999 annual SEI because of her ill health and her husband's health problems. Ms. Engelman stated that she became ill in March of 2000 and was subsequently hospitalized. In October of 2000, Ms. Engelman became unemployed due to health problems. In December of 2000, Ms. Engelman's husband suffered a heart attack. As a result of these health problems, Ms. Engelman has been unable to attend some of the Planning Commission meetings.

Ms. Engelman told Ms. Swaim that she would file her 1999 annual SEI immediately. On February 7, 2001, Ms. Engelman filed her statement. Ms. Engelman had no reportable interests. The Vallejo City Clerk waived the fine for Ms. Engelman's late filing.

## **CONCLUSION**

This matter consists of one count which carries a maximum possible administrative fine of two thousand dollars (\$2,000.00). Ms. Engelman has no prior enforcement history and immediately filed her 1999 annual SEI when Commission Staff personally contacted her. The facts of the case justify imposition of the agreed upon fine of two hundred dollars (\$200.00).